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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,079	08/08/2000	Marcy Casement	40059/RRT/S787	4166

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Alexander Shvarts  
Fish & Neave  
1251 Avenue of the Americas  
New York, NY 10020-1105

EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/635,079

**Applicant(s)**

CASEMENT ET AL.

**Examiner**

Son P Huynh

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2000.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 08 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Double Patenting*

1. Claims are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S Patent number 5,969,784 (herein after referred to as 784). Although the conflicting claims are not identical, they are not patentably distinct from each other.

Regarding claim 1, claim 1 of 784 recites a method of exercising access control over television programs comprising the steps of: entering a criterion for blocking a television program from being viewed; displaying a plurality of television program listing on a screen; selecting one of the displayed listing for viewing or recording (lines 1-8); requesting (prompting) a viewer to input a password if the selected program meets the blocking criterion (lines 9-10); and unblocking the selected program that meets the blocking criterion so it can be viewed or recorded if the viewer inputs a password that matches the first password responsive to the request (lines 11-13). Necessarily, a "first password" is stored in order to determine if the entered password is met.

Claim 1 of the application is broader in scope than allowed claim 1 of 784.

Regarding claims 2-11, the limitations as claimed are identical to the limitations of claims 2-11 of 784.

Claims 12-20 are directed toward embody the method of claims 1-8 and 11 in a system. Necessarily, a display screen is used to display television program listing. It would have been obvious to embody the procedure in claims 1-8, 11 of 784 as discussed with respect to claims 1-8, 11 in a system in order to perform the method as claimed in claims 1-8 and 11.

Claims 21-26 are directed toward embody the method of claims 1, 4-8 in a system. Necessarily, a display screen is used to display program listing. It would have been obvious to one of ordinary skill in the art to embody the procedures in claims 1, 4-8 of 784 as discussed with respect to claims 1, 4-8 in a system in order to perform the method as claimed in claims 1, 4-8.

Allowance of claims 1-20 would result in an un-warranted timewise extension of the monopoly granted for the invention as defined in claims 1-12 of U.S Patent number 5,969,784. Therefore, double patenting rejection is properly applied.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10, 12-19, 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated Knee (US 5,589,892).

Regarding claim 1, the method as claimed is met by Knee as follow:

storing a first password is met by storing four-digit key lock access code in memory (col. 23, lines 3+ and figure 40);

entering a criterion for blocking a television program from being viewed is met by entering a category to set up key lock access for a program from being viewed (figure 30 and col. 22, line 30+);

displaying a plurality of television program listings on a screen (figures 18+);

selecting one of the displayed listing for viewing or recording is met by selecting a program from the list (figure 36+);

requesting a viewer to input a password if the selected program meets the blocking criterion is met by request user to enter four digit key access code if the parental guide identifier in the program schedule information database record matches any one of the activated parental guidance identifiers (col. 23, line 20+);

unblocking the selected program that meets the blocking criterion so it can be viewed or recorded if the viewer inputs a password that matches the first password responsive to the request is met by carrying out the user request to tune to the program, to order it, or

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to display its corresponding schedule information if the entered code matches the key lock access code previously entered and stored by the user (col. 23, line 30+).

Regarding claim 2, Knee teaches displaying on the screen a list of criterion (Parental Guidance 301, Rating 308, channel block 303, etc. figure 30);  
selecting the criterion to enter from the list of criterion (col. 22, line 30+).

Regarding claim 3, Knee discloses displaying on the screen a prompt to the viewer to enter a password (col. 24, lines 14-20);  
displaying on the screen a list of criteria if the viewer inputs a password that matches the first password responsive to the prompt (figure 39);  
selecting the criterion to enter from the list of criterion (col. 24, line 60+);  
removing the list of criterion from the screen after the criterion has been entered (col. 25, line 16+);  
preventing selection of another criterion until a matching password is input (col. 24, line 35+).

Regarding claim 4, Knee teaches entering a criterion enters a program rating (MPAA Rating 308 – figure 30).

Regarding claim 5, Knee teaches entering a criterion enters a channel identification (Channel Block 303 – figure 30).

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Regarding claim 6, Knee teaches displaying a lock symbol next to the channel identification in the program listing (padlock icon - figure 39 and col. 25, line 15+).

Regarding claim 7, Knee teaches entering a criterion enters a time period (time of day, day of week, etc. col. 24, lines 33-35).

Regarding claim 8, Knee teaches entering a criterion for a spending limit (credit limit- col. 24, lines 34-35) for PPV programs (col. 20, line 38+).

Regarding claim 9, Knee discloses key lock access is set for particular category. If the key lock access is detected, the four-digit key lock access code is required (col. 22, line 25+). Inherently, for category that key lock access is not set, user can tune to the selected program for viewing or recording.

Regarding claim 10, Knee teaches unblocking all of the programs (using Clear Key Lock Access Code and All Keys, ' 305 – figure 30 and col. 23, line 10+).

Regarding claim 12, Knee teaches a parental control system comprising:

A display screen (figure 30 or figure 39);

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input device (remote controller 31 or keypad – figure 1) for entering a first password and a criterion for blocking television programs from being viewed (figure 39 and col. 22, line 25+);

a display processor (video display generator 23 – figure 1) for displaying a plurality of television program listings on the screen (figures 39+ and col. 11, line 39+);

a pointing device (cursor or remote controller ) for selecting one of the displayed listings for viewing or recording (col. 17, line 26+);

a pop up window for prompting a viewer to enter a second password if the selected program meets the blocking criterion (col. 23, line 25+);

a processor (microprocessor 16-figure 1) for unblocking the selected program that meets the blocking criterion so it can be viewed or recorded if the viewer enters a second password that matches the first password (col. 23, line 30+).

Regarding claim 13, Knee teaches the display processor displays on the screen a list of criteria if the viewer enters a password that matches the first password and processes a selected criterion from the list of criterion (figures 39 + and col. 24, line 35+).

Regarding claim 14, Knee teaches the display processor displays on the screen a list of criterion (Parental Guidance 301, Rating 308, channel block 303, etc. figure 30); and the processor processes a selected criterion from the list of criteria (col. 22, line 30+); preventing selection of another criterion until a matching password is input (col. 24, line 35+).



Regarding claims 15-19, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 4-8, and are analyzed as discussed with respect to the rejection of claims 4-8.

Regarding claim 21, the limitations as claimed correspond to the limitations as claimed in claim 12, and are analyzed as discussed with respect to the rejection of claim 12. In addition, Knee teaches a memory for storing a first password (col. 23, line 10+).

Regarding claims 22-26, the limitations of the system as claimed correspond to the limitations of the method as claimed in claims 4-8, and are analyzed as discussed with respect to the rejection of claims 4-8.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being obvious over Knee et al. (US 5,589,892)

Regarding claim 11, Knee teaches a method as discussed in the rejection of claim 1. Knee further teaches unblocking the selected program comprises verifying the password and preventing the viewer from entering the password for a predetermined period of time (one or two minutes) if the password was entered incorrectly (col. 26, lines 39-59). However, Knee does not specifically disclose preventing the viewer from entering the password for a predetermined number of attempts. Official Notice is taken that limiting number of attempts to enter password is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Knee to use a well-known teaching in the art in order to increase security.

Regarding claim 20, the limitations of the system as claimed correspond to the limitations of the method as claimed in claim 11, and are analyzed as discussed with respect to the rejection of claim 11.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Casement et al. (US 6,144,401) teaches television schedule system with access control.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son P. Huynh  
April 8, 2004

  
VIVEK SRIVASTAVA  
PRIMARY EXAMINER